

defined by 15 U.S.C. § 1681(a)(u). Sterling is regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined by 15 U.S.C. § 1681(a)(d), to third parties.

ALLEGATIONS APPLICABLE TO ALL COUNTS

6. In or around September 2018, Plaintiffs applied for housing at Waterford at Spencer Oaks (“Waterford”).

7. Thereafter, Waterford submitted Plaintiffs’ information to Defendant for background screening report.

8. Defendant performed the background screening report and furnished the results to Waterford.

9. Upon Waterford’s receipt of the report, on October 10, 2018, Plaintiffs were denied housing.

10. The report erroneously states that Plaintiffs had an eviction.

11. However, the information provided by Defendant to Waterford is inaccurate, as Plaintiffs were never evicted.

12. The inaccurate report contains damaging information to Plaintiffs’ character and reputation.

13. In addition to having been denied housing, Plaintiffs have suffered actual damages in the form of harm to reputation and emotional distress, including anxiety, frustration, embarrassment and humiliation.

14. Defendant failed to take any steps to verify the accuracy of the information contained in Plaintiffs’ report before furnishing it to Waterford.

15. At all times pertinent hereto, the conduct of Defendant, as well as that of its

agents, servants and/or employees, was intentional, willful, reckless, and in grossly negligent disregard of federal law.

COUNT I
VIOLATIONS OF THE FAIR CREDIT REPORTING ACT

16. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

17. 15 U.S.C. § 1681e(b) provides that “[w]hen a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.”

18. In addition, 15 U.S.C. § 1681d(d)(3) provides that “a consumer reporting agency shall not furnish an investigative consumer report that includes information that is a matter of public record and that relates to an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment, unless the agency has verified the accuracy of the information during the 30-day period ending on the date on which the report is furnished.”

19. Defendant violated §§ 1681e(b) and 1681d(d)(3) of the FCRA by failing to follow reasonable procedures to assure maximum accuracy of the information contained in its report and by failing to verify the accuracy of the information contained in its report.

20. These failures directly caused the denial of Plaintiffs’ application for an apartment, which has damaged Plaintiffs.

21. As a result of Defendant’s violations of §§ 1681e(b) and 1681d(d)(3) of the FCRA, Plaintiffs are entitled to damages, costs, and attorney’s fees pursuant to 15 U.S.C. §§ 1681n and 1681o.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendant for:

- A. Statutory damages pursuant to 15 U.S.C. § 1681n(a)(1)(B);
- B. Actual damages pursuant to 15 U.S.C. § 1681o(a)(1);
- C. Punitive damages pursuant to 15 U.S.C. § 1681n(a)(2);
- D. Attorneys' fees and costs pursuant to 15 U.S.C. §§ 1681n(a)(3) and 1681o(a)(2);
and
- E. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: December 21, 2018

Respectfully submitted,

By: /s/ Jody B. Burton

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